

Docket No.: 95-308

PATENT

#4  
11/20/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

KANURI

Serial No.: 09/496,016

Filed: February 01, 2000



Group Art Unit: 2697

Examiner: HA, Yvonne Quy M.

For: ARRANGEMENT FOR CONTROLLING LEARNING OF LAYER 3 NETWORK ADDRESSES IN A NETWORK SWITCH



TRADEMARK FEE PROCESS  
TRADEMARK RECEIVED

RESPONSE  
**RECEIVED**

NOV 17 2003

Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

U.S. PATENT &  
TRADEMARK OFFICE  
NOV 13 P 4:34

Sir:

In response to the non-final Official Action mailed August 14, 2003, applicant hereby submits the following remarks.

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-11 are pending in the application.

Claims 1-4, 7-9 and 11 stand rejected under 35 USC §102(e) in view of U.S. Patent Application Publication No. US 2001/0043614 A1 by Viswanadham et al. This rejection is respectfully traversed. The following is a comparison between the independent claims and the applied reference.

Independent claims 1 and 9 each specify an arrangement where an integrated network switch is configured for learning network addresses of received data packets. Each of the independent claims 1 and 9 specify that learning is disabled for an identified one of the network switch ports that transfer data packets between the integrated network switch and a router.

Claim 1 specifies “identifying one of the network switch ports that transfer data packets between the integrated network switch and a router; and disabling learning by the switching module of network addresses for the data packets transferred by the identified one network switch port.”

Claim 9 specifies “one of the network switch ports is configured for transferring data packets between the integrated network switch and a router”, and “a host controller configured for disabling learning of the layer 2 and layer 3 network addresses of any of the data packets transferred by the one network switch port, based on determining that the one network switch port transfers the data packets between the integrated network switch and the router.”

Hence, disabling of learning for the network switch port configured for transferring packets between the switch and the router ensures that the router cannot overwhelm the address table with the network switch. These and other features are neither disclosed nor suggested in the applied prior art.

Applicant traverses the §102 rejection of independent claims 1 and 9 as legally inadequate, because the rejection fails to discuss the above-described claimed feature of disabling learning of network addresses for the data packets transferred by the identified one network switch port. The rejection in its entirety states:

Viswanadham discloses a system configuration with a plurality of ports that couples to LAN hubs and router (Fig. 1), and various switches (Fig. 2B). The system may comprise of switching module (i.e. RISC processor and software) (Paragraph 0023, pg. 1) configured for learning network addresses (Paragraph 0027, pg. 2; Paragraph 0038, pg. 3). The system is [sic] can also have the learning disabled for an identified network switch port (Paragraph 0105, page 8; paragraph 0106, page 8).

The §102 rejection merely identifies that Viswanadham et al. discloses that learning can be disabled for any “identified” switch port, without any reference to any reason to disable learning on any given switch port. In fact, Visanadham et al. merely states:

[0106] Optionally, attribute is set with (e.g., ETHR\_LRNLN\_INHIBIT) register for each port to inhibit learning on specified ports. If set, during source lookup process, after source port read, entry is made live if hit and if miss, MAC address is not learned. Source port read phase can be skipped if source port filtering is not required.

Hence, any disabling of any learning is arbitrary, as Viswanadham et al. does not disclose or suggest any reason why learning should be disabled on any one switch port, relative to other switch ports.

However, claim 1 specifies that learning is disabled for “the identified one network switch port”, namely the one network switch port identified as transferring data packets between the integrated network switch and the router. Claim 9 specifies “a host controller configured for disabling learning ... based on determining that the one network switch port transfers the data packets between the integrated network switch and the router.”

Hence, the §102 rejection is legally inadequate because it fails to identify the claimed feature of “identifying one of the network switch ports that transfer data packets between the integrated network switch and the router”, and “disabling learning ... for the data packets transferred by the identified one network switch port.”

Hence, the rejection should be withdrawn because it fails to demonstrate that Viswanadham et al. discloses each and every element of the claim. See MPEP 2131. “The identical invention must be shown in as complete detail as is contained in the ... claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Response Filed November 13, 2003

Appln. No. 09/496,016

Page 3

"Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." Studiengesellschaft Kohle mbH v. Dart Industries, Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

Claims 5, 6, and 10 stand rejected under §103 in view of Viswandadham et al. and U.S. Patent No. 6,430,188 to Kadambi. It is believed these dependent claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-308, and please credit any excess fees to such deposit account.

Respectfully submitted,

Manelli Denison & Selter, PLLC



Leon R. Turkevich  
Registration No. 34,035

Customer No. 20736  
2000 M Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20036-3307  
(202) 261-1000  
Facsimile (202) 887-0336  
**Date: November 13, 2003**

Response Filed November 13, 2003  
Appln. No. 09/496,016  
Page 4